

DEPARTMENT OF CONSUMER AFFAIRS
COURT REPORTERS BOARD OF CALIFORNIA
MINUTES OF THE OPEN SESSION OCTOBER 15, 2002

CALL TO ORDER

Ms. Julie Peak, Chair, called the meeting to order at 9:37 a.m. in the conference room at the Board's office.

ROLL CALL

Board Members Present:

Julie Peak, Chair, CSR
Karen Gotelli, Vice Chair, Public Member
Gary Cramer, CSR
John Hisserich, Public Member
Alfred Knoll, Public Member

Board Members Absent:

None

Staff Present:

David E. Brown, Executive Officer
George Ritter, Staff Legal Counsel
Connie Conkle, Administrative Staff
Gail Jones, Enforcement Coordinator
Chez Colson, Legislative Analyst, DCA

INTRODUCTION OF LIAISONS FROM DEPARTMENT OF FINANCE

Mr. David Brown introduced Mr. Dennis Mehl and Ms. Rebecca McAllister from the Department of Finance. Mr. Mehl and Ms. McAllister will be working with staff to review, revise and make recommendations regarding the school oversight process.

MINUTES OF THE AUGUST 1, 2002 OPEN SESSION

Ms. Julie Peak asked if there were any additions or corrections to the open session minutes of August 1, 2002. Mr. Gary Cramer requested the following changes:

- Page 1, under Legislation, change *Ms. Peak stated* to *Ms. Peak requested*.
- Page 4, 5-Year Examination Requalifier, line 5 of the suggested language, insert the word *be* "... *prescribe, shall be entitled to a certificate and shall be styled and known as a certified shorthand reporter.*"
- Page 5, second paragraph, "Legislative Counsels Office" should read "*Office of the Legislative Counsel.*"

Mr. John Hisserich requested the following change to be made:

- Page 5, under Voluntary Board Qualifier Examination, the first sentence should read, "Ms. Peak stated the recommendation from the Education Subcommittee was not to implement voluntary qualifiers."

Ms. Karen Gotelli requested on page 2, under Chairperson Report, should read as "*Ms Peak, Board liaison, and Mr. Cramer, Task Force member.*"

Mr. Cramer moved to accept the minutes as amended. Ms. Gotelli seconded the motion; **MOTION CARRIED.**

DRAFT STRATEGIC PLAN

Mr. Brown stated the facilitator who had conducted the strategic planning session in May has been reassigned within the Department and was unable to attend this meeting. Ms. Peak asked what the probability was on the facilitator returning for the next board meeting. Mr. Brown stated the probability was low. Ms. Peak stated the draft strategic plan that was presented to the Board was incomplete. She stated some of the goals discussed were not included in the draft and the objectives were weak for the goals that were included. Mr. Knoll stated he was displeased with the time it has taken to develop the strategic plan and the possibility of the plan now becoming moot by virtue of the facilitator not performing. Ms. Peak recommended that the Board consider adopting portions of the draft strategic plan.

Executive Summary

Mr. Cramer stated the word "qualified" was missing from paragraph 1, line 7 of the Executive Summary. The line should read as follows: "...to qualified indigent civil litigants. All the Board's activities...." No motion was made to adopt the Summary at this meeting.

Mission Statement

Ms. Peak asked the Board if there were any changes or comments to be made. Mr. Brown asked the Board if the words "court reporters" would be too inclusive and not reflect all aspects of the profession. Ms. Peak suggested changing "court reporters" to "certified shorthand reporters." Ms. Gotelli suggested the word "licensee." Mr. Branch, Bryan College, stated the mission statement does not reflect the possibility of the Board regulating non-licensed firm owners. Mr. Brown suggested adding the words "and regulated entities" to include court reporting schools as well as the possibility of regulating non-licensed firm owners. After further discussion, Mr. Cramer made a motion to adopt the Board's mission statement as follows:

The mission of the Court Reporters Board of California is to provide users of the judicial system access, consumer education, and consumer protection through assurance of the qualifications, performance, and ethical behavior of certified shorthand reporters and entities regulated by the Board.

Ms. Gotelli seconded the motion; **MOTION CARRIED.**

RECESS

At 10:35 a.m., Ms. Peak requested a five-minute recess.

RECONVENE

The Board reconvened at 10:40 a.m.

DRAFT STRATEGIC PLAN (Continued)

Vision Statement

Ms. Peak asked the Board if there were any changes or comments to be made to the vision statement. Mr. Knoll requested adding numbers one and three from the strategic issues to the vision statement. Ms. Peak suggested adding all three strategic issues to the vision statement as numbers seven, eight and nine. Mr. Hisserich suggested changing the word "advances" in item number five to "changes" and removing the apostrophe from the word "it's". After further discussion, Mr. Cramer motioned to adopt the vision statement as follows:

The Board will:

1. Certify applicants' competence through rigorous and validated testing.
2. Undertake to compile and disseminate information about the profession.
3. Actively pursue its expanded authority to oversee court reporting schools.
4. Impartially investigate and promptly resolve alleged violations of law and regulation.
5. Aggressively assess changing technology and then integrate those changes into its regulatory program.
6. Pursue continuing education for licensees that explores changes in the profession, technology, and the law.
7. Successfully completing Sunset Review.
8. Create and maintain compendium of the Board's Rules, Regulations, and Statutes, compile and distribute data relevant to the industry, and review and address Board policies.
9. Review non-licensed entities that provide court reporting services for Board oversight considerations.

Mr. Hisserich seconded the motion; **MOTION CARRIED.**

Ms. Peak suggested to hold over the remainder of the draft to the next meeting when the facilitator was available. Mr. Knoll requested to include a list of goals for each of the objectives listed in the vision statement as well as timelines, in the draft. Ms. Peak requested Mr. Brown to have the original facilitator attend the next meeting and if unable to do so, hire a facilitator for the next meeting.

LEGISLATION

The Board discussed the following bills:

AB3027 - Mr. Cramer stated this bill changes the oath from "*You do solemnly state...*" to "*Do you solemnly state...*".

SB1316 - Mr. Cramer stated this bill abolished Government Code section 69942. He stated there were also several transparent changes to the Government Code included in this bill.

SB1244 - Mr. Brown stated this bill made three changes to the Boards operations:

1) Extends the July 1, 2002 deadline to complete a study on the necessity of the Board to register and regulate shorthand reporting entities until January 1, 2004. 2) Allows the Board to set by regulation the deadline date to file for the Board exam. 3) Deletes the 5-year experience/education recency requirement to take the Board examination.

Ms. Peak congratulated Mr. Brown in accomplishing the deletion of the 5-year requirement in such a timely fashion since the request was made at the August 1, 2002 Board meeting.

After a brief discussion, Ms. Peak directed staff to contact applicants regarding the change who have been unable to take the Board exam due to the 5-year experience/education requirement. Ms. Peak also directed staff to begin the rulemaking process to change the deadline date to file an application for the Board examination.

Ms. Peak stated staff is currently working on a newsletter which would include all the legislative changes that will affect court reporters. Mr. Cramer requested for the Board to approve the descriptions of the changes in the newsletter before it is disseminated to the licensees.

REGULATIONS

Mr. Brown stated the rulemaking package to amend Sections 2411, 2413, 2414, and 2418 is currently back at the department after the Department of Finance rejected the fiscal detail statement. Mr. Brown outlined the problems with the approval process for this rulemaking package. This package had department approvals, then was returned by Department of Finance due to disagreement with the fiscal language. Since the package was returned, it now requires all internal approvals again. Ms. Jones stated that if the approved fiscal form was not returned in time to meet the rulemaking deadline, staff would submit the rulemaking package to the Office of Administrative Law to meet the filing deadline. This would then give the Board an additional 120 days to complete the package. Ms. Peak requested staff to work diligently with the Department of Finance and OAL to get the rulemaking package approved and to keep the Board informed as to the status of the package.

Ms. Jones stated the rulemaking packages to amend Section 2473 and 2474 are currently at OAL and are proceeding smoothly. She also stated the rulemaking package to amend Sections 2412 and 2418 have been approved by the Secretary of State and are now in law.

EXECUTIVE OFFICER REPORT

Mr. Brown reviewed the action items from the August Board meeting and the status of each item. He stated Mr. Cramer made a motion at the last meeting to provide the Board with additional information regarding the space requirements needed at the exam for applicants who are using CAT equipment. At the last exam, only two applicants used desktop PCs and space was not an issue. Staff will observe the November exam as well for space concerns but feels it will not be an issue.

Mr. Brown stated another motion was made at the last meeting regarding the writing devices that can be used during the exam and provided the Board with a handout reflecting the change. Ms. Peak said the motion clearly stated that only wooden pencils, (no pens, highlighters, etc.) are allowed in the transcription or dictation room. She stated it only addressed this issue under the academic portion and not under the dictation portion. Ms. Peak requested staff to spell out in the handout exactly what can and cannot be brought into the exam.

Mr. Brown stated staff researched the use of privacy shields on laptops at the exam. After the Board reviewed the information provided, the Board decided that the laptops could be spread far enough apart without requiring examinees to purchase privacy shields.

Mr. Brown stated staff would provide the Board with fiscal detail at the November meeting regarding the viability of offering the exam out of state.

Mr. Brown stated the Department had renewed the contract with Experior Testing and is currently updating the background documents to determine if computer based testing is fiscally viable.

EXECUTIVE OFFICER PERFORMANCE APPRAISAL CRITERIA

Ms. Peak stated Mr. Knoll is currently working on a paper that delineates the issues the Board would review with the Executive Officer. Mr. Knoll will provide this document to the Board at the next meeting. Mr. Knoll reviewed the following issues with the Board for their input regarding the Executive Officers report at the Board meetings: 1) Legislative updates, 2) Public relations, 3) Budgetary updates, 4) School oversight and statistics, 5) Exam statistics, and 6) Disciplinary statistical overview. Mr. Brown suggested that the Board review the mission and vision statements when developing the performance appraisal.

GRADING OF EXAMS - POLICY VERSUS REGULATION

Mr. Ritter stated that because the current Board adopted policy is specific regarding deductions, under the Administrative Procedures Act (APA), it may need to become a regulation. Mr. Ritter discussed the three options of the Board: 1) Adopt regulations, 2) no longer follow the policy and have expert examiners grade the exams individually or 3) apply for an APA exemption, which would require a statutory change.

Ms. Peak stated there were additional recommendations to the guidelines from the Education Subcommittee to be discussed and possibly adopted at this Board meeting. Mr. Ritter stated the agenda was not properly noticed to discuss this item and should be addressed at a later meeting. Ms. Peak requested staff to include the recommendations from the Education Subcommittee meeting of June 8, 2002 on the November agenda for discussion and possible action. Mr. Cramer made a motion for staff to start an urgency regulatory package regarding the grading of the dictation portion of the exam and apply for an APA exemption. Mr. Hisserich seconded the motion; ***MOTION CARRIED.***

FUTURE MEETING DATES

The following meeting dates were agreed upon the Board:

- November 14, 2002, 2 p.m. - Education Subcommittee meeting, The Westin LAX
- November 14, 2002, 5 p.m. - Board meeting, The Westin LAX
- January 17, 2003 - Board meeting, TBA
- March 2003 - Board meeting and examination, Bay area
- May 16-18, 2003 - Strategic Planning

RECESS TO CLOSED SESSION

The Board recessed to closed session at 12:18 p.m.

RECONVENED

The Board reconvened to open session at 12:20 p.m. Ms. Peak stated in the closed session, the Board approved the minutes of the August 1, 2002 closed session.

ADJOURN

Ms. Peak adjourned the meeting at 12:22 p.m.

JULIE PEAK, Chair

DATE

DAVID E. BROWN, Executive Officer

DATE